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of garnishment, is held, in *Merchants' & M. Nat. Bank v. Barnes* (Mont.), 47 L. R. A. 737, not to be liable to the assignee if the garnishee acknowledged the obligation and paid it over as the property of the debtor. A note to this case reviews the authorities on a sheriff's duty as to adverse claims to proceeds of judgments in his hands except in cases of rival executions.

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PARENT AND CHILD—HABEAS CORPUS.—A girl seventeen years of age, who enters a convent for the purpose of becoming a nun, without having obtained her parent's consent, is held, in *Prieto v. St. Alphonsus Convent of Mercy* (La.), 47 L. R. A. 656, to be subject to the claims of her parents, although she had been received in the convent on the supposition that she had obtained such consent. Under such circumstances it was held that she could be released by writ of habeas corpus, even if the girl was willing and anxious to remain in the convent, and was under no actual restraint.

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CONSTITUTIONAL LAW—"TAKING OR DAMAGING" PRIVATE PROPERTY FOR PUBLIC USE.—The damages to property for which compensation must be made under a constitutional provision that property shall not be taken or "damaged" for public purposes without just and adequate compensation is held, in *Austin v. Augusta Terminal R. Co.* (Ga.), 47 L. R. A. 755, in which the matter is very elaborately discussed, to be limited to such damages as result from some physical interference with the property or with a right or use appurtenant thereto, and not to extend to the diminution in the market value of property caused by the noise, smoke, and cinders made by operating a railroad.

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FOREIGN RECEIVERS—RIGHT TO SUE OUTSIDE OF DOMICILE.—A receiver of a foreign corporation, who by the law of the State of his appointment has title to the right of action against stockholders to enforce their statutory liability, is held, in *Howarth v. Angle* (N. Y.), 47 L. R. A. 725, to be entitled to enforce such liability in another State where a stockholder resides, when the amount of the liability has been definitely ascertained, and is only the stockholder's proportion of the ascertained deficiency of assets, where it does not appear that there is any other stockholder or any creditor of the corporation in that State, or that injury will be thereby done to any citizen of the State, or any established policy of the State thereby interfered with. See 3 Va. Law Reg. 831.

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TRESPASSING ON PUBLIC HIGHWAY.—That one may trespass on a public highway, in which the public has only the easement of passage, is strikingly shown in the recent English case of *Hickenson v. Maisey* (1900), 1 Q. B. 752. We take the following statement of the case from the *Canada Law Journal*:

"The plaintiff was possessed of land traversed by a highway. A trainer of horses had agreed with the plaintiff for the use of some of his land for the training and trial of race horses. A view of the land so used could be obtained from the highway on the plaintiff's land. The defendant was one of the proprietors of a paper which published accounts of the doings of race horses, and for the purpose of getting information as to the performances of horses being trained on the plaintiff's land, the defendant walked backwards and forwards on the highway on the plaintiff's land about fifteen yards in length for about an hour and a half,